

**Summary of Comments Received
During Scoping
For Amendment 1 to the
Fishery Management Plan for
Atlantic Tunas, Swordfish, and Sharks**

November 15, 2002, through March 17, 2003

U.S. Department of Commerce
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Office of Sustainable Fisheries
Highly Migratory Species Management Division
1315 East-West Highway
Silver Spring, MD 20910
phone: 301-713-2347
fax: 301-713-1917

April 15, 2003

Table of Contents

1.0	Why is NOAA Fisheries Amending the HMS FMP?	1
2.0	What was the Purpose of Scoping?	1
3.0	What were the Comments Received?	2
3.1	Commercial Management	2
3.2	Recreational Management	6
3.3	Bycatch of Sharks and Protected Species	7
3.4	Time/Area Closures	8
3.5	Essential Fish Habitat	9
3.6	Exempted Fishing Permits	9
3.7	Prohibited Species and Deepwater and Other Sharks	10
3.8	Education	11
3.9	General Comments	11
4.0	What Happens Now?	12

1.0 Why is NOAA Fisheries Amending the HMS FMP?

In 1999, the National Marine Fisheries Service (NOAA Fisheries) finalized the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (also known as the “Highly Migratory Species Fishery Management Plan” or HMS FMP). Soon after it was finalized a number of fishing interests sued NOAA Fisheries on various management measures in the HMS FMP. As a result, not all of the management measures in the HMS FMP were implemented. Additionally, as a result of a settlement agreement with commercial shark fishing interests, NOAA Fisheries had the 1998 large coastal shark (LCS) stock assessment peer reviewed. After considering the results of the peer reviews, NOAA Fisheries determined that the projections of the models used in the 1998 LCS stock assessment no longer constitute the best available science (December 28, 2001, 66 FR 67118).

In 2002, NOAA Fisheries released the first small coastal shark (SCS) stock assessment since 1992 (May 8, 2002, 67 FR 30879) and a new LCS stock assessment (October 17, 2002, 67 FR 64098). The LCS stock assessment incorporated the comments and suggestions of the peer reviews of the 1998 LCS stock assessment. Additionally, the 2002 LCS stock assessment was peer reviewed. The results of the recent peer reviews were generally positive.

Because of the information in the 2002 LCS and SCS stock assessments and because many of the shark related management measures in the HMS FMP were based on science which NOAA Fisheries no longer believes is the best available, NOAA Fisheries must amend the regulations in the HMS FMP. NOAA Fisheries expects Amendment 1 to the HMS FMP to examine management alternatives available to rebuild or prevent overfishing of Atlantic sharks, consistent with the LCS and SCS stock assessments, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), and other relevant Federal laws. Amendment 1 may also consider alternatives to adjust the process of issuing exempted fishing permits (EFPs) for HMS.

2.0 What was the Purpose of Scoping?

The first phase in preparing an environmental impact statement (EIS) for a fishery management plan amendment is called Scoping. During Scoping, the public has a chance to consider and comment on all the issues related to the subject at hand. In this case, the subject matter was shark management and the issuance of EFPs for HMS. The advice and comments received during Scoping is critical because it is used to explore the full range of alternative approaches to future management and because it allows the public to become involved in the process before any regulations are fully analyzed or proposed.

To facilitate the process of collecting comments, NOAA Fisheries released an Issues and Options paper and held seven public hearings along the Atlantic and Gulf of Mexico coasts (January 27, 2003, 68 FR 3853). The comment period for Scoping ended on March 17, 2003 (November 15, 2003, 67 FR 69180). A number of issues and options beyond those presented in the Issues and

Options paper were identified by the public during the series of scoping meetings. All comments received during Scoping will be considered when drafting the amendment to the HMS FMP.

3.0 What were the Comments Received?

Below is a summary of the major comments received during scoping. Comments are arranged by major issue and are not in any particular order.

3.1 Commercial Management

Quotas and Mortality

- Quotas need to be sustainable
- All sources of mortality including dead discards and state landings must counted against the commercial quota
- All dead discards by all commercial vessels should be counted against the commercial quota; this will allow a powerful incentive for commercial and recreational fishermen to lobby shrimp trawlers and other fisheries to reduce the number of sharks they inadvertently kill
- Dead discards should be counted against the commercial quota; only figuring them into stock assessments does not provide incentive to fishermen to minimize bycatch
- Dead discards should be estimated from observer reports, not logbooks
- NOAA Fisheries should set a simple quota as was done in the past and not confuse the stakeholders
- Louisiana regulations already conforms to Federal closures; other states need to do the same
- Does the quota account for increased pelagic longline discards in the fishery?
- Because NOAA Fisheries does not have timely reports of dead discards, quotas should not account for dead discards and state landings in order to minimize confusion to the fishermen
- Would rather have a shorter season and keep all the fish; allow some landings of Dusky sharks to reduce dead discards (80% of Dusky sharks caught are dead); put the extra quota into a reserve
- Quotas should be managed via the aggregates because we cannot catch just one species; don't go species specific
- Species-specific management is the best way to protect vulnerable species but because the gear is non-selective, the species must be managed as one unit
- Bycatch of sharks in non-HMS fisheries needs to be minimized and counted against any directed fishery quota in order to sustain shark populations
- Fishermen should develop more selective fishing methods to allow for species-specific management
- Because the gear is non-selective, the quota for the entire LCS complex should be reduced by 50% consistent with the stock assessment
- Management should be based on the weakest stock; the current aggregate quota structure

focuses on the most commercially valuable species thereby neglecting the conservation needs of the most vulnerable species

- Due to difficulty identifying species, LCS should be managed as a unit but quotas should be linked to the species that is the most overfished; once that quota is reached, the fishery should be closed
- Allowing an additional month of non-ridgeback fishing will only increase dead discards; this is inconsistent with the rule to reduce dead discards in bluefin fishery
- NOAA Fisheries should analyze temporal-specific quota options such as a quarterly structure that would allow closure during the spring pupping season
- Temporal specific quotas would be a win-win situation; split the season into four quarters and close the second quarter for pupping season. This will spread the markets out and the big run of Dusky sharks in the spring will get away. Other quota options are too tough to enforce
- NOAA Fisheries should analyze the benefits of combining quota options such as a regional ridgeback quota to improve dusky shark recovery
- Quotas should be based on landings with target reference points, not fishing mortality which is better suited for faster-growing species
- Quotas should be set concurrent with shark stock assessments (every 2-4 years) that incorporates a 70% probability of success
- Adjustments for overages and discards must be made every year
- Keep quota within the year; if there is quota left over from the winter, add it to the last quarter within the year
- The current “rolling” quota system in place works well; if you go over, subtract it from the same season in the following year; this provides geographic equity
- Quotas must be supplemented by gear limitations and alterations including restrictions and modifications to reduce bycatch
- Quotas should not be increased; the species are all near or at their maximum sustainable yield
- There is nothing on the dealer reports that indicates ridgeback/non-ridgeback; If there are 3 sandbars and 1 blacktip in a bin, they are considered sandbars (i.e., ridgeback) and vice versa.

Minimum size

- NOAA Fisheries should implement the 137 cm FL or larger for ridgeback sharks to protect juveniles
- NOAA Fisheries should examine slot limits to protect the largest reproductive females and improve chances of rebuilding dusky sharks
- Species-specific size limits are difficult to enforce and will lead to less protection than one size limit
- The commercial size limit should not be lowered
- Commercial minimum sizes should be species-specific to reduce confusion between variations in morphology between species
- If a minimum size is implemented, there should also be a tolerance allowance to reduce

- dead discards
- The sandbar interdorsal measurement in the current regulations does not fit the morphology of silky or other LCS; if it isn't fixed, regulatory dead discards could increase
- The fishery tries for larger fish because they are worth more but some small fish are caught; why create dead discards with a minimum size
- Minimum sizes increase discards and discard mortality
- There are ways to minimize discard mortality such as dehooking devices

Trip limits

- NOAA Fisheries should maintain the 4,000 lb trip limit
- NOAA Fisheries should not allow incidental landings during a directed closure
- NOAA Fisheries should allow a set-aside incidental quota to reduce and/or eliminate unnecessary discarding during a directed LCS fishery closure
- Incidental landings during a fishery closure should be allowed if they are truly incidental; incidental catch limits should be lowered if landings are allowed after a closure
- The permits should be re-allocated; the number of directed permits should be reduced and the number of incidental permits increased and given to shrimpers to give them an incentive to land sharks
- The trip limit should be increased to 6,000 lb dw to allow commercial fishermen make a better profit
- The trip limit, if increased, should not exceed 5,000 to 6,000 lbs
- 40' - 50' boats can hold 8,000 pounds
- Many vessels catch more than 4,000 pounds per set with less than 10 miles and 750 hooks
- NOAA Fisheries could allow for maximum gear length instead of a trip limit
- A tolerance of 10% should be made for overages in trip limit due to variations in conditions beyond the captain's or crew's control
- Need a tolerance level or an increased trip limit because otherwise fishermen have to break the law or risk their gear or their life
- Work out some penalty if trip limit is exceeded, like not fish the next day; any tolerance should apply only to a set, not a trip
- 4,000 lbs is best because it extends the season but there should be some mechanism or tolerance for sets that exceed the limit
- NOAA Fisheries should maintain the incidental trip limit
- NOAA Fisheries should not create regulatory discards for incidental permit holders; create an incidental quota
- Is the season staying open all year with the 4000 lb limit? If it is, then increase the trip limit; if it isn't, then you should maybe open the season at 4000 lbs and then lower it as an inseason adjustment as the season progresses

Season Openings and Closings

- Fishery openings and closings should be announced 30 days prior to the fishery opening so fishermen have an opportunity to plan for closure, secure markets, and adjust efforts
- NOAA Fisheries should give 30 day advanced notice of season openings and 14 day

notice of closures; NOAA Fisheries should monitor shark dealers more frequently as the season nears its end to ensure the quota is not overharvested

- NOAA Fisheries should announce closures 14 days before closure date
- Prefer a system similar to the bluefin call-in reports so everyone knows where the quota is
- The further ahead we are warned, from a business perspective, the better. We need more time to plan
- From a supplier perspective, the time ahead of the closure doesn't matter much because the product is mostly frozen now
- All open and closed seasons for all species should be synchronized
- NOAA Fisheries should close during "pupping season" (April-June) and allow some exempted permits for fishing offshore outside of nursery grounds
- Currently the seasons open on two holidays - New Year's Eve and July 4; this is bad for the markets and enforcement; opening on the 7th would help
- Look at average lengths of trips and it may vary by area. The inshore fleet might be able to use five days

General

- Sharks have never been a species that could support a sustainable commercial industry
- The commercial fleet should be reduced
- Supporting the commercial industry is a violation of the Magnuson-Stevens Act and renders any management of the recreational sector useless
- Commercial shark fishing should be halted immediately
- NOAA Fisheries should work with states to ensure consistent regulations
- The shark fin to carcass weight should be raised to 6% from 5% to prevent fishermen from getting into trouble with the law if they catch too many sandbar sharks
- The latest shark fin sale numbers show that commercial sale of shark fins is not being managed properly
- Finning should be banned
- NOAA Fisheries should offer a buyback program for the shark drift gillnet fishery
- NOAA Fisheries should not close the shark drift gillnet fishery
- NOAA Fisheries should implement a strategy to ensure all states close with Federal closures
- Is effort in shark fisheries increasing from fishermen displaced by the pelagic longline closed areas?
- Let's not go to individual transferable quotas. It seems that foreign owners have bought into and taken over other domestic fisheries. Let's keep it a public resource
- Individual quotas might help by eliminating derby fishing. Currently fishermen don't have time to repair their vessels
- One large shark may bring the equivalent price of 40 small sharks, so in this sense the industry is self-regulating

3.2 Recreational Management

Retention limit

- Limit should be 2 sharks, not 1
- Increasing the bag limit will lead to increased mortality of juveniles
- Because SCS sharks are in good shape, NOAA Fisheries should increase bag limit to 5 SCS (except finetooth) per person per trip
- The LCS bag limit should be increased to 2 per vessel to comply with the fair and equitable provision of the Magnuson-Stevens Act
- Consider allowing 2 sharks/vessel and 1 Atlantic sharpnose/person
- Recreational fishermen should be allowed 1 LCS or pelagic shark/vessel/trip and 1 sharpnose/person/trip and 1 bonnethead/person/trip
- NOAA Fisheries could eventually deal with charter/headboat or tournament-specific bag limits
- Let anglers have at least 1 bonnethead shark
- It is very difficult for general public to identify sharks to species; it makes more sense to have vessel limits rather than species specific limits
- Recreational fishermen do not want more restrictive measures to cover southern problems
- If the stocks can sustain additional harvest, we would like to harvest more
- The recreational limit should never fall below one shark per vessel per trip
- If you are going to raise the commercial quota, we would like to see a fair and equitable increase in the recreational sector (i.e., bag limit) so we might be able to land maybe two mako sharks

Minimum size

- NOAA Fisheries should analyze a recreational slot limit or a larger minimum size to enhance dusky rebuilding
- Anglers should have a larger share of the quota and fewer ridiculous size limits; the sacrifice should be by commercial fishermen not by anglers
- Because the minimum size is not in place for commercial fishermen, it should not remain in place for recreational fishermen
- NOAA Fisheries should maintain the current minimum size except for sharpnose and bonnethead

General

- Most anglers tag and release (90 percent)
- Anglers harvest sharks in a manner that causes the least harm to the biomass of these species
- Tournament radio transmissions keep abreast of the weight needed to win allowing more fish to be released
- Current recreational regulations are based on the 1998 stock assessment that was overturned; commercial and recreational management measures should be equitable
- The recreational community has always been good at policing themselves
- While identification is difficult, most anglers can distinguish between pelagic sharks, LCS, and SCS; NOAA Fisheries can set regulations according to these groups

- NOAA Fisheries needs to work on increasing compliance with current regulations
- How can NOAA Fisheries consider adding new measures when the simplest regulations (e.g., 4.5 ft FL size limit) aren't even adhered to?
- Charter and headboats should be allowed to head, gut, fin, and fillet at sea because, like commercial fishermen, they can identify sharks; landing form should be maintained for all other anglers
- Authorized gear should remain at status quo for recreational fishermen
- NOAA Fisheries needs to define "trip" as one day or multi-day
- NOAA Fisheries should require dehooking devices on recreational vessels
- Current landings form regulation is fine
- Authorized gear should be limited to rod and reel and handline. Concern was expressed over small numbers of people now bow hunting for sharks

3.3 *Bycatch of Sharks and Protected Species*

- Require the guidelines for handling of sea turtles to be posted and also augment and enhance them to create a handbook. This will provide vessel operators with additional information to release sea turtles with the best methods available and will reduce post-release mortality.
- NOAA Fisheries should implement the same measures for bottom longline as is in place for pelagic longline regarding safe handling of protected species, line cutters, dipnets, dehooking devices
- Require line clippers on board commercial and recreational vessels
- Require dehooking devices on board commercial and recreational vessels
- Specify the design type approved for line clipper and dehooking devices
- Using a dehooking device is a lot of work for fishermen
- Dehooking devices allow fish to be released alive with minimum harm; it takes five seconds to release fish, it is not hard to do, and it is very effective
- Require attendance at workshops to teach the proper handling and release methods
- Keep posting the sea turtle handling and release guidelines as only requirement
- Voluntary workshops have not worked well in the past; any requirement for workshops should dictate how frequently they need to attend and if owner, captain, and crew need to attend
- If a buyback occurs (reference to gillnet buyback option), then participants in the program should have their permits permanently revoked, which would prohibit these participants from fishing in the same fishery in another area
- NOAA Fisheries should look at other gear types for interactions with protected resources
- NOAA Fisheries should also look at rolling closures (e.g., the ones in the northeast fisheries) as a means to reduce interactions with protected resources
- Juvenile sharks must be protected
- NOAA Fisheries needs to examine mitigation measures for the Gulf menhaden purse seine fishery and the shrimp trawl fishery to reduce shark bycatch
- Shrimpers should use Nordmore grates to reduce shark bycatch

- NOAA Fisheries needs to look at a strategy to reduce bycatch and discard mortality of particularly depleted species such as dusky and sand tiger sharks
- Blue-dyed bait is not a viable option since experiments have shown that sea turtles take blue-dyed bait as readily as other bait
- NOAA Fisheries should implement 100% observer coverage in the drift gillnet fishery because of the large number of turtle takes in recent years
- NOAA Fisheries should maintain continuous net checks in the drift gillnet fishery
- NOAA Fisheries should not prohibit drift gillnets in this fishery
- Live release of all non-targeted species should be mandatory
- Shark fisheries should not be open during shark pupping season

3.4 *Time/Area Closures*

- NOAA Fisheries should establish no fishing zones to protect the remaining shark populations
- NOAA Fisheries should have time/area closures to protect pupping, nursery, and spawning grounds
- There are two periods a year when sharks come in for pupping; these periods are known and should be closed
- Most pupping grounds are inshore or are in mangroves
- NOAA Fisheries should not close pupping or nursery areas
- Closed areas are only effective in reducing bycatch when the area is closed to all fishing (i.e., not just shark fisheries). This is primarily because other fisheries can come in during a shark closure and incidentally catch non-targeted species. NOAA Fisheries should evaluate the effects of closures in meeting plan objectives for reducing bycatch of sharks. If closures are to occur, then they must be very species specific
- Vessel Monitoring Systems (VMS) are the key for real-time openings and closings
- NOAA Fisheries should not close areas because of the loss of fishing opportunities and the disparity it would cause between states and regions
- If areas are closed, NOAA Fisheries should allow access to them via EFPs, particularly for experimental fisheries such as the one in the Northeast Distant closed area
- In a non-selective fishery, size limits do not reduce fatal interactions and thus have little impact on mortality; NOAA Fisheries should examine time/area closures to reduce mortality on juveniles and pupping adults
- Time/area closures of spawning and nursery grounds are more effective at reducing mortality than minimum sizes because many sharks do not survive the capture experience
- Time/area closures can cause hardship on fishermen and communities; other methods of bycatch reduction are preferred
- Recreational fishermen have been voluntarily releasing animals for years and, with the number of devices available, have minimized mortality; time/area closures are not needed for this fishery
- Time/area closures during pupping season and within 50 fathoms would protect nursery grounds of the majority of shark species

- Closed areas to protect sea turtles would cause a lot of hardship to fishermen, families, and the fishing communities; mitigation measures should be used instead
- Don't close the migration corridors; you would have to close the entire ocean

3.5 *Essential Fish Habitat*

- How well defined is shark essential fish habitat (EFH) beyond the area included in catch data?
- NOAA Fisheries needs to publish and distribute the results of the 2002 American Fisheries Society symposium on shark habitat
- NOAA Fisheries should protect shark EFH
- NOAA Fisheries should incorporate Stewart Springer's information on nursery areas into EFH designations
- EFH, if closed, needs to be closed to all fishing

3.6 *Exempted Fishing Permits*

- The issuance of EFPs should remain burdensome, particularly for prohibited species and are candidates for ESA listing
- The current process of issuing EFPs has worked well
- NOAA Fisheries should retain the maximum flexibility concerning EFPs for scientific research purposes; bycatch reduction research cannot be done without the current flexibility
- The small number of sharks landed for aquarium use is relatively insignificant compared to the number taken in commercial and recreational fisheries; these animals continue to contribute over the long term to the educational and conservation missions that are shared with NOAA Fisheries; NOAA Fisheries should have a distinct quota for public display of sharks
- Move excess shark display quota issued via EFPs to the commercial quota
- NOAA Fisheries should issue a type of permit to allow for live display collection with its own set of regulations and reporting requirements
- NOAA Fisheries should allow more experimental fisheries to test for sustainability of some species such as bignose sharks
- NOAA Fisheries should allow fishermen to retain catch and market it to offset expenses (as an incentive for participating in research)
- No collections of prohibited species should be allowed; take them off the prohibited species list and then allow collections
- The 60 mt allowance for public display of sharks is too much
- States would rather see NOAA Fisheries use numbers of fish instead of weight
- The 60 days notice of application prior to action is too short. The state would prefer a longer application and evaluation time (i.e., at least a year); For example, an application could be submitted in the current calendar year and then, if approved, a permit would be issued for the next calendar year

- NOAA Fisheries should employ more stringent reporting requirements (i.e., where it goes and what is the disposition of the fish upon delivery) for public display collections
- NOAA Fisheries should separate research activities from aquarium trade collections
- NOAA Fisheries should enhance enforcement of the aquarium trade
- NOAA Fisheries should have better accounting mechanisms in the aquarium trade industry (i.e., linking collectors with aquarium to publicly display collected shark)
- NOAA Fisheries should not issue EFPs for *profit* (e.g., selling sharks for public display)

3.7 *Prohibited Species and Deepwater and Other Sharks*

- NOAA Fisheries should not change the prohibited species list
- What are the current prohibited species?
- Because of its status, finetooth should be added to the prohibited species list
- Finetooth should not be added to the prohibited species list
- NOAA Fisheries should go back to the original prohibited species list
- NOAA Fisheries should remove bignose, dusky, Caribbean reef, night, Caribbean sharpnose, and Atlantic angel from the prohibited species list; bignose and dusky have a significant international population; dusky shark populations are increasing; Caribbean reef only caught as bycatch; night shark is commonly caught as bycatch; Caribbean sharpnose is often confused with Atlantic sharpnose and is common in the Caribbean; Atlantic angel is common bycatch in mid-Atlantic nearshore areas
- The current prohibited species list has increased waste
- Dusky sharks have high bycatch mortality; NOAA Fisheries should consider a set aside, possibly use the second harvest approach, but not regulatory discards; NOAA Fisheries could also considering allowing the retention of dusky sharks for scientific research
- Encourage live release of dusky sharks; fishermen would release them because we've seen what can happen; use commercial peer pressure like a sticker that says "I release live dusky" to get better compliance; you'll get better results that way than with a rule
- Let us keep the dead ones and release the live ones
- Nobody wants a tiger or a great white
- Take dusky and sand tiger sharks off prohibited species list; prohibiting these species is creating dead discards
- Sand tigers are plentiful but we don't land them anyway. Sand tigers are hardy and survive release
- Logbooks don't include sand tigers so NOAA Fisheries is not getting the data
- Deepwater and other sharks should be added to the prohibited species list particularly since the draft NPOA for Fisheries Capacity Reduction lists the deepwater and other shark fishery as overcapitalized
- Narrowtooth shark has never been caught by U.S. fishermen and should be removed from the management unit
- NOAA Fisheries should maintain status quo with deepwater/other sharks
- NOAA Fisheries should just collect data on deepwater/other sharks
- Deepwater and other species are only encountered in wreckfish fishery and are not

- marketable
- If the deepwater and other species became prohibited species, would other fisheries be closed down?
- If deepwater and other species are not being harvested then it does not matter if you add them to the prohibited species list

3.8 *Education*

- Educate the public, everyone including fishermen
- If NOAA Fisheries provides funding, the recreational community could host workshops to help reduce post-release mortality
- The amendment should facilitate the display of all species to help education; to do this you need to streamline the process of obtaining an EFP
- Limiting zoo and aquarium access to any species restricts the ability of the aquarium to educate people
- Effective recreational fishing limits can be achieved with enhanced public education

3.9 *General Comments*

- NOAA Fisheries is directly responsible for the dramatic decline in overall shark populations due to their failure to enforce the stipulations of the Magnuson-Stevens Act
- What are management's specific data needs? VMS? Observer? Logbooks?
- Seems like biological decisions are made and economics don't matter. If a biologist says shut it down, it gets shut down regardless of economics. Seems like biology outweighs economics
- Emphasize enforcement over acceptance and accounting for overages, undersize landings, prohibited species
- NOAA Fisheries is not accounting for sharks caught in the Virgin Islands; a large amount of sharks, probably equal to the U.S. harvest, are being caught there
- Management measures should contain adequate means of enforcement in order to minimize shark and prohibited species bycatch
- Management measures should be consistent with scientific advice and the precautionary approach
- Management since 1993 is working; don't try to change too much too quick
- NOAA Fisheries needs to increase observer coverage to statistically significant levels to ensure adequate data collection
- NOAA Fisheries needs to focus its priorities on ending overfishing, minimizing bycatch, and addressing habitat mandates

4.0 **What Happens Now?**

As described in section 2.0, Scoping is the first phase in the EIS/FMP amendment process.

NOAA Fisheries is now in the process of considering all the comments received during Scoping and preparing a draft EIS/FMP amendment and proposed regulations. Once the draft EIS/FMP amendment and proposed rule is released, there is a second comment period where the public has a chance to comment on the proposed regulations. At the end of that comment period, NOAA Fisheries considers the new comments and prepares a final EIS/FMP amendment. When the final EIS/FMP amendment is released, there is a third, shorter comment period on the EIS alone. At the end of that comment period, NOAA Fisheries publishes a final rule based on the final EIS/FMP amendment. An outline of this process is shown in Table 1.

For this amendment, NOAA Fisheries expects the final regulations to be effective on January 1, 2004, the start of the shark fishing year. Under this timeframe, the proposed regulations would be released by the summer of 2003 and the final regulations would be published by the end of 2003.

Table 1. Summary of the Steps in the EIS/FMP Amendment Process

1. Scoping/Initial Public Comment	A. Notice of intent	Completed (11/15/2002, 67 FR 69180)
	B. Release of Issues and Option Paper	Completed (1/27/2003, 68 FR 3853)
	C. Hold public meetings	Completed
	D. End of comment period	Completed
2. Draft EIS/FMP Amendment and Proposed Rule	A. Consider comments received in Scoping	<i>In Process</i>
	B. Draft documents	<i>In Process</i>
	C. Publish proposed rule and Notice of Availability in <u>Federal Register</u>	Expected late Spring/early Summer 2003
	D. Hold public meetings	
	E. End of comment period	Expected in early August
3. Final EIS/FMP Amendment	A. Consider comments received on draft documents	Expected late Summer/early Fall 2003
	B. Finalize documents	
	C. Publish Notice of Availability in <u>Federal Register</u>	
	D. End of comment period	

4. Final Rule	A. Consider comments received on draft documents and Final EIS/FMP Amendment	Expected late Fall/early Winter 2003
	B. Finalize document and responses to comments	
	C. Publish rule in <u>Federal Register</u>	